

WORKMAN NYDEGER

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UTAH 84111

TELEPHONE (801) 533-9800

~~FACSIMILE~~ (801) 328-1707

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE†
STERLING A. BRENNAN†
GREGORY M. TAYLOR
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
WILLIAM R. RICHTER
RYAN D. BENSON
SARA D. JONES
TIGHE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE

† ADMITTED ONLY IN CALIFORNIA

PATENTS

TRADEMARKS

COPYRIGHTS

TRADE SECRETS

UNFAIR COMPETITION

LICENSING

COMPLEX LITIGATION

MAILING ADDRESS:

P.O. BOX 45862

SALT LAKE CITY, UT 84145

INTERNET

HOME PAGE: <http://www.wnpatent.com>

GENERAL E-MAIL: info@wnpatent.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tetsuro Inui et al.

Serial No.: 10/624,082

Art Unit

Filing Date: July 21, 2003

Confirmation No.: 5995

For: DISPERSION MONITORING METHOD AND APPARATUS AND DISPERSION SLOPE TEMPERATURE DEPENDENCY COMPENSATION METHOD AND APPARATUS

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

— Statement of relevance of selected cited references not in the English language which are not translated.

— Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

____ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

X Form PTO-1449 listing 13 references submitted for consideration.

X A copy of each of the references listed on the Form PTO-1449.

____ English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.

____ Copies of the following documents from the prosecution of a previous, related application:

____ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

____ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ____ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

____ Promptness Certification; or

____ Check No. _____ in the amount of \$____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ____ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Promptness Certificate;

____ Petition for Consideration; and

____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

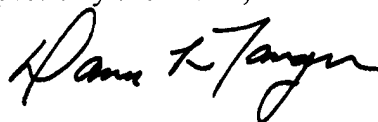
____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 11th day of December 2003.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

022913

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER



PATENT APPLICATION
Docket No: 14321.56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Tetsuro Inui et al.)
)
Serial No.: 10/624,082) Art Unit
)
Filing Date: July 21, 2003)
)
Confirmation No.: 5995)
)
For: DISPERSION MONITORING METHOD AND)
APPARATUS AND DISPERSION SLOPE)
TEMPERATURE DEPENDENCY COMPENSATION)
METHOD AND APPARATUS)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450, on the 11th day of December 2003.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 13 references (2 pages)
- A copy of each of the references list on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

DLT:dfw

W:\14321\56\DFW0000008860V001.DOC



PATENT APPLICATION

Docket No: 14321.56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Tetsuro Inui et al.)
)
Serial No.: 10/624,082) Art. Unit
)
Filing Date: July 21, 2003)
)
Confirmation No.: 5995)
)
For: DISPERSION MONITORING METHOD AND)
APPARATUS AND DISPERSION SLOPE)
TEMPERATURE DEPENDENCY COMPENSATION)
METHOD AND APPARATUS)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Arlington, Virginia 22313-1450

Sir:

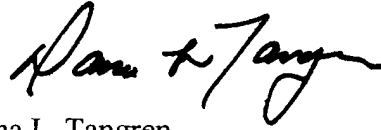
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 11th day of December 2003.

Respectfully submitted,



Dana L. Tangren
Attorney for Applicant
Registration No. 37,246

WORKMAN, NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

Applicant: Tetsuro Inui et al.

Confirmation No.: 5995

Serial No.: 10/624,082

Att'y Docket No.: 14321.56

Filing Date: July 21, 2003

Group:

For: DISPERSION MONITORING METHOD AND APPARATUS AND DISPERSION SLOPE
TEMPERATURE DEPENDENCY COMPENSATION METHOD AND APPARATUSINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name
1	2003/0086713 A1	05/08/2003	Inui et al.

Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office	Translation
2	1 309 115 A2	05/07/2003	EPO	N/A

Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

- | | |
|---|---|
| 3 | K. S. Kim et al., <i>Temperature Dependence of Chromatic Dispersion in Dispersion-Shifted Fibers: Experiment and Analysis</i> , J. Appl. Phys., Vol. 73, No. 5, March 1, 1993, pp. 2069-2074. |
| 4 | T. Inue et al., <i>Adaptive Dispersion Slope Equalizer Using a Nonlinearly Chirped fiber Bragg Grating Pair with a Novel Dispersion Detection Technique</i> , IEEE Photon. Technol. Letters, Vol. 14, No. 4, 2002, pp. 549-551. |
| 5 | H. Ooi et al., <i>40-Gbit/s WDM Automatic Dispersion Compensation with Virtually Imaged Phased Array (VIPA) Variable Dispersion Compensators</i> , IEICE Trans. Commun., Vol. E85-B, No. 2, 2002, pp. 463-469. |
| 6 | K. Mukasa et al., <i>Novel Network Fiber to Manage Dispersion at 1.55 μm with Combination of 1.3 μm Zero Dispersion Single Mode Fiber</i> , ECOC '97, 1997, pp. 127-130. |
| 7 | K. Yonenaga et al., <i>Dispersion-Compensation-free 40-Gbit/s x 4-channel WDM Transmission Experiment Using Zero-Dispersion-Flattened Transmission Line</i> , OFC '98, 1998, PD20-1-PD20-4. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Tetsuro Inui et al.

Confirmation No.: 5995

Serial No.: 10/624,082

Att'y Docket No.: 14321.56

Filing Date: July 21, 2003

Group:

For: DISPERSION MONITORING METHOD AND APPARATUS AND DISPERSION SLOPE
TEMPERATURE DEPENDENCY COMPENSATION METHOD AND APPARATUS

- _____ 8 E. Yamada et al., *106 Channel x 10 Gbit/s, 640 km DWDM Transmission with 25 GHz Spacing with Supercontinuum Multi-Carrier Source*, Electron. Letters, Vol. 37, No. 25, 2001, pp. 1534-1535.
- _____ 9 M. Nakazawa et al., *1.28 Tbit/s-70 km OTDM Transmission Using Third- and Fourth-Order Simultaneous dispersion Compensation with a Phase Modulator*, Electron. Letters, Vol. 36, No. 24, 2002, pp. 2027-2029.
- _____ 10 H. Kawakami et al., *Highly Efficient Distributed Raman Amplification System in a Zero-Dispersion Flattened Transmission Line*, OA&A '99, 1999, ThB5-1/110-ThB5-4/113.
- _____ 11 T. Inui et al., *Bit Rate Flexible Chirp Measurement Technique Using Two-photon Absorption*, Electronics Letters, Vol. 38, No. 23, November 7, 2002.
- _____ 12 K. Takiguchi et al., *Dispersion Slope Equalizer for Dispersion Shifted Fiber Using a Lattice-form Programmable Optical Filter on a Planar Lightwave Circuit*, J. Lightwave Technol., Vol 16, No. 9, 1998, pp. 1647-1656.
- _____ 13 M. Jablonski et al., *Adjustable Coupled Two-cavity Allpass Filter for Dispersion Slope Compensation of Optical Fibres*, Electronics Letters, Vol. 36, No. 6, 2000, pp. 511-512.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

W:\14321\56\DFW0000008858V001.doc

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.